

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

STARTING WITH THE 12/1/08 CALENDAR, A “SECOND CHECK” WILL NO LONGER BE CONDUCTED. ONLY ONE EXAMINATION OF THE FILES WILL BE MADE APPROXIMATELY TWO WEEKS PRIOR TO THE HEARING. THESE NOTES REPRESENT THE STATUS OF THE FILE AT THAT TIME. ANY LATER DOCUMENTS WILL NOT BE REVIEWED BY THE PROBATE EXAMINERS PRIOR TO THE HEARING.

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 11-18-08.

Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

**The Probate Examiners can be reached at
ProbateNotes@courts.sbcounty.gov. Emails must have the case
identification information and hearing time/date in the subject line. No
attachments will be opened. Probate Examiners can only respond to
inquiries regarding the meaning of comments in the notes. PLEASE DO
NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO
REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN
RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or
procedural advice may be given.**

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH PROBATE

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: FAMSS704896

CASE NAME: NORA LUCIA GRIEGO-V-TERRI KAYE THOMPSON
GRIEGO

SEE ALSO #6 THRU #10

HEARING:

Hearing Re: VALIDITY OF MARRIAGE

COUNSEL:

NORA LUCIA GRIEGO (PET)...THEODORE C BEALL

TERRI KAYE THOMPSON GRIEGO (RES)...BANKS GARCIA & JANIS

GENERAL INFORMATION No notes. Judge to decide.

XREF PROPS0700961

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01165

CASE NAME: ESTATE OF DANIEL J. WALTON

HEARING:

SECOND AND FINAL Account and Report of DENNIS J HEALEY, RICHARD GHAN and Petition for allowance of fees filed.

COUNSEL:

JESSICA WALTON	(PET)...	CAROL L ADAMS
DANIEL J WALTON	(DEC)...	
AMERICAN CONTRACTORS INDEMNITY(AGN)...		
DENNIS J HEALEY	(PET)...	ADAMS, CLARK & CLARK
RICHARD GHAN	(PET)...	ADAMS, CLARK & CLARK
DANIEL J WALTON	(DEC)...	
DENNIS J HEALEY	(ADM)...	ADAMS, CLARK & CLARK
RICHARD GHAN	(ADAMS, CLARK & CLARK)...ADAMS,

CL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON second and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There was a prior administrator who is deceased. Petitioners, co-administrators, allege that no claim on administrator fees has been received from the estate of the now deceased administrator. However, there is nothing in the file to show that the estate of the former administrator or her counsel were noticed of this hearing. Hence, there would be no basis for them to have filed anything with this court. Court may wish to have estate and former counsel noticed.
2. Statutory fees are \$528. It appears that co-administrators intend to divide this amount equally. Attorney for co-administrators to be paid a like amount.

3. Attorney and co-administrators request extra-ordinary fees in the amount of \$1,250 each. It is not clear from the petition if they mean \$1,250 to each co-administrator or that amount to be divided equally between them. Petitioners allege that much more than that was actually earned, but due to the size of the estate they will forgo any larger amounts that might be due. However, review of the file establishes that the wrongful death assets were transferred outside of the estate and alleged not to be a part of the estate. Court may wish to question how work done on an asset, not a part of the estate, creates a liability for the estate. Judge to decide.
4. The mother of the decedent filed a claim in the amount of \$9,080 for the funeral of the decedent. The mother has agreed to take personal property assets of the estate valued at \$6,400 in lieu of a cash payment. Mother will be responsible for transporting the assets to New York.
5. There is also a debt owed to Chase Manhattan Bank of \$17,500. Petitioner does not indicate that this is a judgment lien and would therefore appear to be a general debt and of lower priority than a funeral debt. Petitioner requests that any estate assets remaining be paid to Chase in an amount not to exceed \$17,500. Thereafter the assets are to be divided between the 2 daughters of the decedent.
6. Cash was kept in the attorney trust account and therefore appears not to have drawn any interest.
7. File order after hearing.
8. File notice of hearing and proof of service including notice on party requesting special notice.

RECOMMENDATION:

Court will have to make determination on fees and need notice. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 12-1-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01623

CASE NAME: ESTATE OF LINDA THOMPSON CHILDS

HEARING:

Order to Show Cause re: Failure to appear an accounting. filed
by FRED LANE THOMPSON.

COUNSEL:

FRED LANE THOMPSON (PET)...PRO/PER
LINDA THOMPSON CHILDS (DEC)...
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER

GENERAL INFORMATION Continued from **4-1-08 and 5/6/08** at request of
counsel. On 4/1/08, Court continued matter to notice Public Administrator of
possible appointment. Nothing new filed.
Continued from **7-8-08**. Public Administrator filed a declaration indicating that real
property was sold by administrator Fred Thompson and that he has not been
heard from since the sale was completed. There are no other assets in the
estate. Court ordered Public Administrator to notice the Department of Health
Care Services of absconding administrator. That notice is in the file
**Continued from 8-26-08. Court was advised that the Public Administrator
declined the case. Court ordered Fred Thompson noticed at 2 different
addresses before issuing citations. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON O.S.C. re removal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter set when case was set for accounting review. No accounting or
status report filed and no one appeared. Clerk gave mailed notice.
2. Nothing new has been filed.

RECOMMENDATION:

If petitioner fails to appear court will have to issue citation and order it personally served. There is no bonding company to notice.

NMT/GLS/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700371

CASE NAME: SUSAN JO ADAMS

HEARING:

Hearing Re: REPORT ON STATUS OF ADMINISTRATION

COUNSEL:

MICHAEL JAMES SMITH (PET)...HORSPOOL & PARKER
SUSAN JO ADAMS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Estate is not in a condition to close due to the need to sell real property.
The property is listed, but has not yet sold.

RECOMMENDATION:

Recommended for approval absent objections. Set hearing for the next status
report and/or account for 12-1-09. Any accounting to be filed 30 days in advance.
Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700649

CASE NAME: NSI vs KRECH TRUST
SEE ALSO #23 THRU #28

HEARING:
Motion Re: SUMMARY ADJUDICATION OF ISSUES ON NSI
INTERPLEADER
Filed by Petitioner JOHN KRECH

COUNSEL:
NUTRITIONAL SPECIALTIES INC (PET)...STRADLING YOCCA
CARLSON & RAUT
THOMAS KRECH (DEC)...
JOHN KRECH (EXE)...MAHONEY & SOLL LLP
LISA KRECH (DEF)...LAYNE A BARTHOLOMEW

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF RPRRS02993 RPRRS02964

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700649

CASE NAME: NSI vs KRECH TRUST
SEE ALSO #23 THRU #28

HEARING:
Motion Re: PETITION FOR APPROVAL OF SETTLEMENT AGREEMENT

COUNSEL:
NUTRITIONAL SPECIALTIES INC (PET)...STRADLING YOCCA
CARLSON & RAUT
THOMAS KRECH (DEC)...
JOHN KRECH (EXE)...MAHONEY & SOLL LLP
LISA KRECH (DEF)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petitioner for approval of settlement agreement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Following mediation the parties entered into a settlement agreement. The agreement is signed by the parties and their counsel. Petitioner requests that the court approve the settlement agreement.
2. Notice of this settlement has been served on counsel only. Did court want the parties served? Judge to decide.
3. There is no opposition in the file at the time of this review.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO
SEE ALSO #1 #7 THRU #10

HEARING:
Hearing Re: Status on Settlement

COUNSEL:	
JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...SHEASBY, CHO & MIDDLETON
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C
BEALL)...LAW OFFIC	

GENERAL INFORMATION matter on for settlement conference. No notes.

XREF FAMSS704896

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO
SEE ALSO #1 #6 THRU #10

HEARING:
Motion Re: FOR SUMMARY JUDGMENT AND MEMORANDUM ETC
000200 Filed
by 0005 ***

	COUNSEL:
JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...SHEASBY, CHO & MIDDLETON
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C
BEALL)...LAW OFFIC	

Judge to decide.
XREF FAMSS704896

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO
SEE ALSO #1 #7 THRU #10

HEARING:
Petition for REQUEST FOR REIMBURSEMENT OF FUNDS

COUNSEL:

JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...SHEASBY, CHO & MIDDLETON
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C
BEALL)...LAW OFFIC	

GENERAL INFORMATION

Continued from **9/2/08** 170.6 Affidavit filed and case reassigned to E1.

Continued from 10-14-08. Matter was continued as the parties had not reached a settlement on the S.S.I. benefits. Nothing new filed.

THIS CASE IS SET FOR HEARING ON request for reimbursement of funds

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the alleged surviving spouse of the decedent. She alleges that she has expended \$25,136.67 in personal assets on behalf of the estate.
2. Of that amount \$21,029.38 is attributable to the funeral of the decedent. Funeral expenses require the filing of a creditor's claim. Pr.C. § 9000(a)(3). The funeral expenses are the only after death expense

- requiring a creditor's claim. Nothing in the petition indicates that a creditor's claim was filed in relationship to the funeral expenses.
3. The decedent owned certain real property that was the subject of a break-in. After the break-in the petitioner secured new locks for that property and had them installed. The cost was \$427.34.
 4. In relationship to the same property the petition had the windows cleaned at a cost of \$245. The carpets were cleaned at a cost of \$719.95. Window and door in the garage were repaired at a cost of \$255. Replacement blinds were purchased for \$445. Yard work and repair of a planter was done at a cost of \$1,900. The exterminator service cost \$115.
 5. Petitioner has provided no authority for the requested relief. File verified supplement.

RECOMMENDATION:

Require petitioner to file authority to support the relief requested.

NMT/GLS/NMT

XREF FAMSS704896

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO
SEE ALSO #1 #7 THRU #10

HEARING:
Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...SHEASBY, CHO & MIDDLETON
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C
BEALL)...LAW OFFIC	

GENERAL INFORMATION These are competing petitions with the petition on the preceding page.

Continued from 11/20/07 Court's previous order regarding restraining order to remain in effect.

Continued from 1/7/08. Court appoints Craig Parker Special Administrator.

Continued from 3/24/08.

Continued from 05-29-08. Court unavailable.

Continued from 06/16/08 at request of counsel.

Continued from **7/2/08** and **9/17/08**.

Continued from 10-14-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

- Competing Petition to administer, with full I.A.E.A. authority **by Terri Griego**.
- Competing Petition to administer, with limited I.A.E.A. authority **by Nora Griego**.

- Competing Petition to administer, with full I.A.E.A. authority filed **by Jennifer and Rhio Griego**.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition by Terri Griego

1. See notes on preceding page re issue of who the surviving spouse might be.
2. Petitioner requests bond in the amount of \$60,000. Based on the fact that the petitioner seeks full Independent Administration of Estates Act powers bond must be for the full value of the property. Court will have to determine amount. Petitioner herein alleges that property is valued at \$660,000. Other petitioners say the value is \$740,000.

Petition by Nora Griego:

3. Need proof of publication.
4. Petitioner requests bond in the amount of \$535,000. Based on the fact that the petitioner seeks Limited IAEA powers, bond may be set bond at not more than the estimated value of the personal property and the probable annual gross income of the estate. The estimated value of personal property and annual income is \$79,000. Court to determine amount of bond.
5. Item 9 of the petition is incomplete. Need verified supplement.

Petition by Jennifer and Rhio Griego:

6. There are 2 women, Terri and Nora, who claim to be the surviving spouse of the decedent. Terri provided Jennifer and Rhio with a declination to act. Terri then filed an opposition to their petition alleging that they were using the decedent's credit cards. Terri was apparently the first wife and Nora the second and each has filed a petition to administer the estate. Court will have to determine if either person is in fact the surviving spouse of the decedent.
7. Petitioners request bond of \$740,000. Based on the information in the file amount appears adequate.
8. Objections have been filed by Nora Griego and responses to objections have been filed. It should be noted that the allegations are that the petitioners are either embezzling or wasting the assets of the estate. This is grounds for removal. If the court were to find that grounds for removal in fact exist then the court could refuse to appoint these individuals.
9. Objections filed by Terri Griego indicating objector is the surviving spouse, has a higher priority and that petitioners Rhio and Jennifer have allowed decedent's assets to be moved out of state.
10. Notice re 170.6 to Rhio Griego returned undeliverable.

RECOMMENDATION:

Competing petitions are contested and need to be set down on the contested calendar. Court will first have to determine if either Terri or Nora are the surviving spouse of the decedent. (See notes on FAMSS704896.) If so, the surviving spouse has priority. If neither is the surviving spouse then Jennifer and Rhio would have priority over them, but not over their siblings. The other siblings have not filed petitions and court could find that they have waived their right by failure to file. However, the court will also have to determine if the allegations against Jennifer and Rhio are true. If so, they could be precluded from acting. If approved, set future hearings for filing of Inventory & Appraisal on 7-7-09 and for Accounting Review on 2-2-10. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

KRA/kra/gls/vet/cbr/abs/GLS/NMT

XREF FAMSS704896

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO
SEE ALSO #1 #7 THRU #9

HEARING:
Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...SHEASBY, CHO & MIDDLETON
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C
BEALL)...LAW OFFIC	

GENERAL INFORMATION see preceding page.

XREF FAMSS704896

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800003

CASE NAME: LINDA PARNELL SPECIAL NEEDS TRUST

HEARING:

Order to Show Cause re: Failure to Post Bond filed by LINDA
PARNELL.

COUNSEL:

LINDA PARNELL (PET)...PRO/PER

**GENERAL INFORMATION Continued from 10-7-08 as no one appeared.
Clerk has given notice. See letter from trustee on left side of file.**

THIS CASE SET FOR HEARING ON Re: O.S.C. re failure to post bond and
failure to appear.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter was set on 07/08/08. Court approved special needs trust and
required \$65,000 bond. No bond has been posted. Need same.
2. Clerk gave notice to counsel only.
3. Nothing new filed re bond.
4. **NOTE: Substitution of attorney filed. Linda Parnell is now
representing herself. Court may wish to inquire how petitioner is to
obtain bond.**

RECOMMENDATION

Court may wish to set matter for O.S.C. re removal of trustee. Pr.C. § 15642.

(cbr/nmt/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800169

CASE NAME: CHARLES L. RUDY

HEARING:

Petition for DETERMINE TITLE TO AND REQUIRE TRANSFER OF
PERSONAL PROPERTY TO ESTATE

COUNSEL:

FAITH WALKER (PET)...IGNAZIO
CHARLES L RUDY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to determine title and require transfer of estate property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent had a life insurance policy valued at \$48,478. The decedent had named his trust as the beneficiary. Prior to the decedent's death the decedent revoked his trust. The insurance company apparently will not turn the assets over to the estate. Petitioner therefore requests that the court find that the assets are a part of the estate and order the insurance company to turn over the assets.
2. This action is brought pursuant to Pr.C. § 850(a)(2)(D).
3. There is not sufficient notice to the insurance company. As the insurance company is in possession of the asset they must be served in accord with Pr.C. § 851(a), which requires service in accord with C.C.P. § 413.10.
4. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Require proper notice. Then court's discretion.

FUTURE HEARINGS CURRENTLY SET: 1-6-09 for inventory and appraisal and 8-11-09 for accounting review.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800181

CASE NAME: DAVID R. BAGUEZ

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
DARLEEN AMADOR (PET)...PRO/PER
DAVID R. BAGUEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.
2. No order appointing petitioner was ever submitted or signed and no letters have ever issued. As no letters have ever issued the inventory and appraisal is not technically due.

RECOMMENDATION:

Set O.S.C. re vacating appointment of petitioner for failure to submit letters for issuance.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-30-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800223

CASE NAME: MARGARET E TRIPP

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
ANDREA LYNN ESLER (PET)...ELISABETH KEMPE-OLINGER
MARGARET E TRIPP (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.
2. Bank statement shows a checking account with \$20,655.19 that is not listed on the inventory and appraisal. Please file verified supplement explaining why it was not included or file a corrected inventory and appraisal.

RECOMMENDATION:
Need correction of note 2.

NMT
FUTURE HEARINGS CURRENTLY SET: 6-30-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800797

CASE NAME: MTR OF JOYCE ELAINE CLAUSSEN

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

VERONICA ZAMORA (PET)...PRO/PER
GLORIA FARROW (PET)...PRO/PER
JOYCE ELAINE CLAUSSEN (DEC)...

GENERAL INFORMATION **Continued from 10-7-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioners were apparently the unrelated caregivers of the decedent.
There could be a Pr.C. § 21350(a)(6) caregiver transfer problem. Unclear
at this juncture.
2. In petitioners declaration they indicate that the decedent had a trust, but
that she failed to fund it with her banks accounts, etc. However, at line 6 of
their declaration they indicate that the trust did contain the real property of
the decedent. If the trust contained any funding of any kind the
requirement of the funding of the trust will have been met and the trust
cannot be deemed invalid for failure of funding. Please file a copy of the
trust.
3. The will presented is a pour over will. As the trust is the beneficiary of the
estate it is necessary for the court to review the trust.
4. The petition indicates that the decedent had a predeceased child who died
leaving issue. The grandchildren are not listed in section 8 of the petition.
Please list all grandchildren in a verified supplement.

5. File Notice of Petition to Administer Estate with proof of service.
6. File proof of publication.
7. Codicil to will is not self proving. File proof of subscribing witness.

RECOMMENDATION:

Need correction of notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 7-7-09. Set hearing for filing of accounting and/or status report for 2-2-10. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800809

CASE NAME: YMER OROZCO

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

ALIHANNY OROZCO (PET)...E. JOAN NELMS
YMER OROZCO (DEC)...

GENERAL INFORMATION Letters of Special Administration issued on 09/11/08.
Continued from 10-14-08. Nothing new filed.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with
full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner seeks no bond be required as there are no current assets of the estate. The decedent died in Phoenix, Arizona and a wrongful death suit is now pending. Arizona Court required an administrator be appointed in California. Judge to decide
2. Need to file proof of publication.

RECOMMENDATION

Need to clear note 2 then Court's discretion. If approved, set future hearings for filing of Inventory & Appraisal on 7-7-09 and for Accounting Review on 2-2-10. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800937

CASE NAME: CRAIG RICHARD TISSERAT

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

JUSTIN STERLING TISSERAT (PET)...ROBERT J. JACOBSON
CRAIG RICHARD TISSERAT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond. Petitioner is a California resident.
2. Will is not self proving. File proof of subscribing witness.
3. File proof of publication.

RECOMMENDATION:

Need correction of notes. If petition granted court will have to set future dates.
Set hearing for filing of inventory and appraisal for 7-7-09. Set hearing for filing of
accounting and/or status report for 2-2-10. Any accounting to be filed 30 days in
advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800947

CASE NAME: EVA WAGNER

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full
Authority under IAEA.

COUNSEL:

CHRISTINA ERICKSON-TAUBE (PET)...SHERRI L KASTILAHN
EVA WAGNER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate of will and for letters
of administration with will annexed, with full I.A.EA. and \$215,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner was the Conservator of the decedent and filed a first
accounting. This is the apparent priority claimed by the petitioner.
Petitioner is a professional Conservator. Priority of appointment places
professional Conservators after the Public Administrator. The court can,
for good cause shown appoint a professional Conservator and give them
the priority in Pr.C. § 8461, but notice is required to the Public
Administrator prior to appointment. Pr.C. § 8469.
2. It should also be noted that the petitioner was nominated by a daughter of
the decedent, which would place her priority right after all other children of
the decedent. However, this does not appear to be the priority sought
based on petitioner's relationship to the decedent set forth in section
3(f)(2)(a) and (c) of the petition. Please file verified supplement clarifying
priority of appointment.
3. If the petitioner is electing to use the nomination of the daughter of the
decedent as her priority we would either need declinations to act by the

- other children of the decedent or the court could deem their failure to file as a waiver of their priority.
4. File notice of hearing and proof of service on the Public Administrator.
 5. The will is replete with cross-over and changes. This is a holographic will. The will was not re-executed. This will not make the will invalid as long as the testamentary portions of the will are still in the hand of the decedent and contain the requisite testamentary intent. (See *In re Estate of Finkler* (1935) 3 Cal. 2nd 584, 602)
 6. File proof of holographic will.
 7. Muscular Dystrophy Association listed in the will, but is not on attachment 8 and has not been noticed. File verified supplement.
 8. File proof of publication.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 7-7-09. Set hearing for filing of accounting and/or status report for 2-2-10. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02181

CASE NAME: ***MF** BRUNO CEJA JR.

HEARING:

Hearing re Final Discharge

COUNSEL:

MONICA M CEJA	(PET)...MARK J TUNDIS
BRUNO CEJA JR	(DEC)...
JOE SANCHEZ	(SPA)...L.DOMINIC CHACON
MELINDA A MILLER	(PET)...ALLARD, SHELTON & O'CONNOR
JESSIE C VELARDE	(OBJ)...ALLAR, SHELTON & O'CONNOR
ROBERT L KERN	(PRO/PER)...PRO/PER

GENERAL INFORMATION Note: this is the filing of receipts and final discharge by Joe Sanchez. See minute order of 11-6-07 in Vol 1.

Continued from 10-14-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or discharge order filed.
2. NOTE: Notice of non-payment of bond premium filed.

RECOMMENDATION:

Court may wish to set hearing OSC re: failure to pay bond premium. When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. Clerk will have to notice bonding company.

NMT/cbr/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02405

CASE NAME: MICHAEL ROBERT DEVORIA

HEARING:
Hearing re Final Discharge

COUNSEL:
RANDY DEVORIA (PET)...THOMAS V PRATT
MICHAEL ROBERT DEVORIA (DEC)...

GENERAL INFORMATION

Continued from **05-20-08** at request of counsel. Nothing new filed.

Continued from **7-1-08**. At the time of the 7-1 hearing counsel advised that the administrator absconded with the funds. Court ordered counsel to file an accounting and file an order after hearing. Nothing new filed.

Continued from 10-7-08. No one appeared. Clerk gave notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file order after hearing on first and final.
2. Need to file receipts.
3. Need to file exparte petition for final discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

(NMT/vet/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02650

CASE NAME: ****MASTER FILE MURRAY FAMILY TRUST ****.

HEARING:

Accounting Review

COUNSEL:

DENNIS C MURRAY	(PET)...SCOTT P SCHOMER
CONKLIN I MURRAY	(DEC)...
WENSETTA F PRUETT	(RES)...PRO/PER
PENNELOPIE L PARROTT	(MAUREEN MURATORE

GENERAL INFORMATION

Continued from **05/06/08** at request of counsel. At the 05/06 hearing, counsel indicated that there was a settlement agreement circulating for signature.

Nothing new filed.

Continued from **7-22-08**. Parties indicate that settlement is still being circulated.

Nothing new filed with exception of notice of continuance.

Continued from 8-26-08. Parties indicate that settlement is still being circulated.

Nothing new filed with exception of notice of continuance.

Continued from 10-14-08. Parties working on settlement language. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set when the parties entered into a settlement agreement on 1-31-08. No accounting filed.

RECOMMENDATION:

When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128.

(NMT/cbr/NMT/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02823

CASE NAME: LOUIS M. DRAGICEVICH

HEARING:
Hearing Re: Status on Settlement

COUNSEL:
LOUIS G DRAGICEVICH (PET)...MARJORIE MUSSER MIKELS
LOUIS M DRAGICEVICH (DEC)...
REBECCA E. ALTRINGER (RES)...ALTHOUSE & MCDONOUGH
JAMES A EMERY. 3 (YOUNG HENRIE HUMPHRIES &
MASON)...YOUNG HEN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status of settlement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No settlement filed.

RECOMMENDATION:
Court's discretion.

NMT

FUTURE HEARINGS CURRENTLY SET: 2-11-09 readiness, 2-17-09 trial.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02964

CASE NAME: THOMAS JAMES KRECH

SEE ALSO #5 #24 THRU #28

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
THOMAS JAMES KRECH (DEC)...
LISA KRECH (PET)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Case has been litigated for a long time, has just settled in 11/08.
2. Suggest court reset I&A and accounting review dates after discussion with representative re time needed to prepare same.

RECOMMENDATION

Court's discretion.

abs

XREF PROPS0700649 RPRRS02993

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02964

CASE NAME: THOMAS JAMES KRECH
SEE ALSO #5 #23 THRU #28

HEARING:
Motion Re: SUMMARY ADJUDICATION OF ISSUES ON LIFE INSURANCE
Filed by Petitioner JOHN KRECH

COUNSEL:
JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
THOMAS JAMES KRECH (DEC)...
LISA KRECH (PET)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02993

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02964

CASE NAME: THOMAS JAMES KRECH
SEE ALSO #5 #23 THRU #28

HEARING:

Motion Re: APPOINT INDEPENDANT TRUSTEE Filed by Petitioner
JOHN KRECH

COUNSEL:

JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
THOMAS JAMES KRECH (DEC)...
LISA KRECH (PET)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02993

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02964

CASE NAME: THOMAS JAMES KRECH
SEE ALSO #5 #23 THRU #28

HEARING:
Petition for TO DETERMINE TITLE & REQUIRE TRANSFER 06/21/07

COUNSEL:
JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
THOMAS JAMES KRECH (DEC)...
LISA KRECH (PET)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02993

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02964

CASE NAME: THOMAS JAMES KRECH
SEE ALSO #5 #23 THRU #28

HEARING:

Petition for OF LISA KRECH TO REMOVE EXECUTOR JOHN KRECH AND
APPOINT SPECIAL ADMINISTRATOR

COUNSEL:

JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
THOMAS JAMES KRECH (DEC)...
LISA KRECH (PET)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02993

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02964

CASE NAME: THOMAS JAMES KRECH
SEE ALSO #5 #23 THRU #28

HEARING:
Accounting Review

COUNSEL:
JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
THOMAS JAMES KRECH (DEC)...
LISA KRECH (PET)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Case has been litigated for a long time, has just settled in 11/08.
2. Suggest court reset I&A and accounting review dates after discussion with representative re time needed to prepare same.

RECOMMENDATION
Court's discretion.

XREF PROPS0700649 RPRRS02993

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02993

CASE NAME: TOM AND LISA KRECH FAMILY TRUST OF 2004
SEE ALSO #5 #23 THRU #28

HEARING:
Petition for FOR ORDER DETERMINING THAT TRUST HAS BEEN
PARTIAL
Y REVOKED/DIRECTING TRANSFER OF REAL AND PERSONAL

COUNSEL:
TOM AND LISA KRECH FAMILY TRUS(PET)...OVERTON LYMAN &
PRINCE
JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
LISA KRECH (OBJ)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (ALLAR, SHELTON & O'CONNOR
)...ALLAR, SH

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02964

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02993

CASE NAME: TOM AND LISA KRECH FAMILY TRUST OF 2004
SEE ALSO #5 #23 THRU #28

HEARING:
Petition for Order determining the first amendment to trust
11/07/06

COUNSEL:
TOM AND LISA KRECH FAMILY TRUS(PET)...OVERTON LYMAN &
PRINCE
JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
LISA KRECH (OBJ)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (ALLAR, SHELTON & O'CONNOR
)...ALLAR, SH

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02964

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02993

CASE NAME: TOM AND LISA KRECH FAMILY TRUST OF 2004
SEE ALSO #5 #23 THRU #27

HEARING:

Petition for Lisa Krech for Return of Personal Property Held by
Executor John Krech

COUNSEL:

TOM AND LISA KRECH FAMILY TRUS(PET)...OVERTON LYMAN &
PRINCE
JOHN KRECH (PET)...OVERTON LYMAN & PRINCE
LISA KRECH (OBJ)...LAYNE A BARTHOLOMEW
AMY MCCULLOUGH (ALLAR, SHELTON & O'CONNOR
)...ALLAR, SH

**OFF CALENDAR PER FILED PETITION FOR APPROVAL OF SETTLEMENT
AGREEMENT.**

XREF PROPS0700649 RPRRS02964

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: SPASS4975

CASE NAME: EST OF THOMAS HENRY LORDEN

HEARING:

Hearing Re: Summary disposition

COUNSEL:

PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN &
TILDEN

THOMAS HENRY LORDEN (DEC)...

SHARON MICHELLE CHILDREE (TP)...BRYAN C. HARTNELL

MARIE A ALT (BRYAN C. HARTNELL)...BRYAN C.

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Summary Disposition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. This matter was set on the Court's own motion after the Public Administrator filed its Statement of Disposition per Pr.C. §7665(a) on 9/30/08 and the following are issues which require verified supplement:
 - (a) The beginning balance of the summary of account is \$62,972.58. However, the total inventories in this estate total \$9,000.00. There is no inventory for the cash assets listed which cash assets total \$3,972.58, however, the cash assets are listed as a "Receipt". As the beginning balance is erroneous, this accounting does not balance. Need to submit corrected accounting.
 - (b) The P.A. sold real property during the administration of the estate. Need copies of escrow closing statements per local rule 20-910.

- (c) The statutory compensation is calculated on an incorrect inventory value, or \$90,990.82. The inventories, together with receipts and gains on sale actually total \$40,990.82. Therefore, the correct statutory compensation should be \$1,639.63. Court may wish to require the PA and counsel for the PA to each return \$2,000.00 to the estate as overpayment of fees.
 - (d) Extraordinary fees were paid as follows without prior court order:
 - (i) PA - \$1,140.00
 - (ii) Attorney for the PA - \$2,461.50.
 - (iii) The court will generally not consider awarding extraordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 Cal. App. 2d 792). The only asset in the estate was the two real properties. Need to establish that the ordinary fees were not sufficient.
 - (e) On 5/29/03, the court entered its ex parte order to deposit funds with the County Treasurer (i.e., \$5,500.99 for Margaret A. Lorden) as whereabouts of heir were unknown. However, per Pr.C. §11603, if the whereabouts of the distributee is unknown, the order is to provide alternate distributees and the share to which each alternate distributee shall be made. There were two other heirs in this estate, Sharon Michelle Brown Childress and Marie A. Lorden, who would be the alternate distributees. Court may wish to reconsider its order to provide for these alternate distributees.
2. Need to file proof of mailed service of the Statement of Disposition to Attorney Bryan Hartnell who has requested Special Notice.
 3. Notice to Attorney Savage was returned as address listed was unable to be forwarded. Attorney Savage's notice according to the State Bar website is: 550 E. Hospitality Lane, Suite 300, San Bernardino, CA 92408
 4. While the Public Administrator is not required to pay filing fees the estate is required to pay the fees when they become available. Hence, filing fees of \$281.50 must be paid before the Public Administrator may be discharged.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06833

CASE NAME: EST OF C SIDNEY COWAN

HEARING:
Hearing re Final Discharge

COUNSEL:
DAVIS S COWAN (PET)...WILLIAM J. BRUNICK
C SIDNEY COWAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06905

CASE NAME: EST OF JEAN JORDAN

HEARING:
Hearing re Final Discharge

COUNSEL:
KENNETH L JORDAN (PET)...BRUNICK MCELHANEY & BECKETT
LARRY SANDERS (PET)...BRUNICK MCELHANEY & BECKETT
JEAN JORDAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a
hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH CONSERVATORSHIPS

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700031

CASE NAME: HAROLD EASTLE JOHNSTON

HEARING:
Accounting Review

COUNSEL:
LORAL L JOHNSTON (CP)...PRO/PER
HAROLD EASTLE JOHNSTON (CTP)...DUANE P BOOTH
MICHAEL L JOHNSTON (RES)...SHEASBY, CHO & MIDDLETON

GENERAL INFORMATION No file available for review.

FILE OUT 10-29

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700197

CASE NAME: MAUREEN DELANEY

HEARING:
Accounting Review

COUNSEL:
CHRISTINA ERICKSON-TAUBE (CPE)...SHERRI L KASTILAHN
MAUREEN DELANEY (CEP)...MITCHELL I ROTH
MAUREEN DELANEY (PCE)...
BRIAN F. DELANEY (PCR)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. This is the accounting for the temporary Conservator Christina Erickson-Taube. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. Clerk will have to notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800005

CASE NAME: ASHLEIGH NOEL LININGER

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CHRISTOPHER LININGER

COUNSEL:

CHRISTOPHER LININGER (PCR)...CHRISTOPHER A POULOS
CAROL LININGER (PCR)...CHRISTOPHER A POULOS
ASHLEIGH NOEL LININGER (PCE)...NOREEN FONTAINE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Need Statement of Care Plan in accord with Pr.C.§2352.5.
2. Need Court Investigator 6 month report per Pr.C.§1850(a)(1). Last report was filed at 1-30-08.

RECOMMENDATION:

Need correction of notes.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800177

CASE NAME: MTR OF HELEN LAMPMAN

HEARING:
Petition for Appointment of Conservator

COUNSEL:
DIANA JEAN ALDAMA-SALINAS (CPE)...CARROLL M LAWSON
HELEN LAMPMAN (CEP)...KARIN HORSPOOL

GENERAL INFORMATION

Petition for Temporary Conservatorship off calendar for non-appearance on 07/03/08.

Continued from **8-5-08**. At the time of the 8-5 hearing the court appointed Attorney Karin Horspool for the Conservatee. Nothing new filed.

Continued from 10-7-08 at request of counsel. Only new thing filed was a notice of continuance.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator of person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$175,000 bond based upon estate value of same. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. For estates less than \$500,000 a 10% increase has been determined to be the reasonable amount of increase. Pr.C. 2320(c)(4), CRC Rule 7.207. Petition does not reflect any income for proposed Conservatee. Does court wish to inquire? Based on the listed estate value, suggest bond be set at \$192,500. Judge to decide
2. Petitioner requests Pr. C. § 2590 powers. However, attachment 1d does not indicate which specific powers are requested. Need to file verified supplement.

3. Petitioner requests Pr. C. §§ 2351-2358 powers. However, attachment 1f is missing to indicate specific powers requested. Need to file verified supplement.
4. Petitioner requests dementia powers. Need physician completed dementia attachment.
5. Capacity declaration filed. However, petitioner does not request medical powers other than dementia. Court may wish to inquire.
6. Dementia powers sought. Court has appointed Attorney K. Horspool for the Conservatee. Need appointed counsel's report.
7. Need report of counsel.
8. List of required contacts is incomplete. Second degree relatives are living and are not listed. Need to file corrected form.
9. Court Investigator report is in the file. Conservatee **can** complete voter affidavit.

RECOMMENDATION

Need to clear notes. If petition granted court will have to set future dates. Set hearing for filing of I & A, care plan and proof of recordation of letters, including proof of service of I & A, instructions for objection to I&A, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **7-7-09**. Set hearing for accounting review for **2-2-10**. Accounting to be filed 30 days in advance.

(cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800198

CASE NAME: ROSEMARY ESCOBEDO

HEARING:
Accounting Review

COUNSEL:
CHRISTINA ERICKSON-TAUBE (CPE)...SHERRI L KASTILAHN
ROSEMARY ESCOBEDO (CEP)...JOAN NELMS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is on in error. Hearing is really scheduled for 11-19-09.

RECOMMENDATION:

Matter may go off calendar. Court may wish to have clerk give notice of new hearing date, as the 11-19-09 date was not given at the time of the original approval of the conservatorship.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800217

CASE NAME: SHIRLEY WREN FITHIAN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DONALD FITHIAN (CP)...LAW OFFICE OF DALE K BETHEL
BARBARA FITHIAN (CP)...LAW OFFICE OF DALE K BETHEL
GARY FITHIAN (CP)...LAW OFFICE OF DALE K BETHEL
SHIRLEY WREN FITHIAN (CTP)...

GENERAL INFORMATION **Continued from 9-29-08 at request of counsel.**
Only new thing filed is a notice of hearing for the continued date.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the
person only by parents and brother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No bond – person only.
2. Medical powers sought. Medical Capacity declaration is filed in support.
3. Conservatee is developmentally disabled. Court may request an Inland Regional Center report. JTD
4. If court determines proposed conservatee is receiving benefits from IRC, need proof of service as to the IRC. JTD
5. Return of citation filed.
6. Court Investigator report filed.

RECOMMENDATION:

Court's discretion. If approved, set hearing for Compliance Review for **7-7-09** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.
(kra/cbr/NMT)

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00384

CASE NAME: DAVID M JOHNSTON

HEARING:
Accounting Review

COUNSEL:
SUKI JOHNSTON (PET)...PRO/PER
DAVID M JOHNSTON (PCE)...JAMES BANKS JR

GENERAL INFORMATION

Continued from 1-8-08. No one appeared. Clerk gave notice of continuance.
Continued from 3-4-08. At the time of the 3-4 hearing Attorney Banks gave an oral report. The substance of the report was not recorded in the minute order. Mr. Banks to notice trustee to be present at the next hearing. Mr. Banks has given notice, but it does not conform to the minute order. The minute order says that the father of David Johnson is to be present at the next hearing. Mr. Banks notice says that either Mr. Johnson or his lawyer is to be present. Nothing else new filed.

Continued from **4/22/08**. Court referred matter to Court Investigator for investigation and report. Court also orders care plan to be filed by 11/25/08.
Continued from **7-15-08**. Nothing new filed on this issue.

Continued from 9-23-08 for a possible successor petition. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This is an accounting on a Special Needs Trust that was granted on 10-31-06. Court ordered bond in the amount of \$6,000 at that time. No bond ever filed.
2. No accounting filed.

3. Court Investigator's Report Memo filed. Cross-reference Case RCRSS396.

RECOMMENDATION:

When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128. Court may also wish to set review date for care plan to be filed by 7-7-09.

NMT/gls/vet/NMT

XREF RCRS00396

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00399

CASE NAME: MARIE A SCARBOROUGH

HEARING:
Petition for EXCLUSIVE AUTHORITY TO GIVE CONSENT FOR MEDICAL
TREATMENT

COUNSEL:
JAMES BARRON (PET)...SHERRI L KASTILAHN
MARIE A SCARBOROUGH (PCE)...NOREEN FONTAINE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for exclusive authority to
consent to medical treatment and for dementia powers.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. File notice of hearing and proof of service.
2. Petitioner is the Conservator who was originally appointed in 2003.
3. Dementia powers are sought. Court previously appointed Attorney Fontaine for the Conservatee. If counsel has been relieved, she must be reappointed.
4. Medical powers sought. Capacity declaration filed.
5. Dementia powers are sought. Capacity declaration filed.

RECOMMENDATION:
Need notice and recommendation of counsel.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/25/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02011

CASE NAME: MATTER OF RUBY SLONEKER

HEARING:
Accounting Review

COUNSEL:

RUBY SLONEKER	(CTE)...	DONNA STURGILL DIAZ
KENNETH M FONT	(CPE)...	EDWARD B FISCHER
PRISCILLA CALBO	(SC)...	PRO/PER
MELODIE Z. SCOTT	(SC)...	SHERRI L KASTILAHN
C. L. FARRELL	(TP)...	C.L. FARRELL
CAROLYN MARIE SMITH	(PRO/PER)...PRO/PER
AVERY CLARK CALBO	(PRO/PER)...PRO/PER
KENNETH MARK CALBO	(PRO/PER)...PRO/PER
MARK CALBO	(PRO/PER)...PRO/PER
MARIE BUTLER RICHARDSON	()...
PRISCILLA MILLIRON	(PRO/PER)...PRO/PER
JUDY A. MILLER	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

5th Account is due for the period 5/1/07 – 4/30/08 by Melodie Scott, Successor Conservator

Continued from **7/24/08** at request of counsel. Nothing new filed.

Continued from 10-2-08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.
2. Note: On 12/05/07, petitioner was ordered to post an additional \$125,000 bond. The register of actions indicates bond was posted

on 12/18/07. However, there is no documents re bond in the file. Require petitioner to submit a copy of original bond posted on 12/18/07.

3. On 7-2-08 Conservator requested authority to increase bond by \$25,000. No additional bond is in the file.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notify bonding company.

(gls/cbr/GLS/NMT)

XREF SCVSS90766

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH MISC.

DATE: 11/25/08 TIME: 1:30 DEPT: E1

CASE #: PROPS0800501

CASE NAME: LUCILLE EUINS

HEARING:
Mandatory Settlement Conference

COUNSEL:
WILLIE EUINS (PET)...SHARON MORFF
LUCILLE EUINS (PI)...SHARON MORFF
KAREN DENISE BROWN (RES)...
KAREN DENISE BROWN (DAVID M GROSSMAN)...DAVID
M G

GENERAL INFORMATION Matter on for mandatory settlement conference. No notes.

FUTURE HEARINGS CURRENTLY SET: 1-8-09 readiness, 1-12-09 for trial.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN PROBATE

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS00400

CASE NAME: IN THE MTTR OF FRANCES MULLIGAN

HEARING:

Order to Show Cause re: FAILURE TO APPEAR/FILE ACCOUNTING filed
by DEBORAH SUSAN PRYOR.

COUNSEL:

DEBORAH SUSAN PRYOR (PET)...
FRANCES CORRINE MULLIGAN (DEC)...
STATE OF CALIFORNIA FRANCHISE (ANY)...
JEANNE E KENNEDY (PRO/PER)...PRO/PER

GENERAL INFORMATION **Continued from 10-14-08. Court found that Ms. Pryor could not be served at the address given by her. Matter was continued and a new citation issued in hopes of discovering a new address, until that time service of citation was stayed. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to appear.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set when case was on calendar for an accounting review. Accounting was not filed and no one appeared. Court ordered a citation issued for Deborah Pryor. We are awaiting return of service. There was no bonding company to notice. **Citation returned unsuccessful. Deborah Pryor moved with no forwarding address.**
2. Nothing new filed re accounting.

RECOMMENDATION:

Court's discretion.

NMT/cbr/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS00759

CASE NAME: ESTATE OF JOSEPH L HAYS

HEARING:
Hearing Re: STATUS OF ADMINISTRATION

COUNSEL:
JOSEPH LOVELAND HAYS (DEC)...
CHRISTINE BUCKLEY (SA)...DAN FOLEY
PUBLIC ADMINISTRATOR (SA)...HORSPOOL & PARKER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Estate is not in a condition to close due to the pending quiet title litigation in file CIVNS700063.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for the next status report and/or account for 12-1-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01612

CASE NAME: ESTATE OF KARL E. WEISS, JR.

HEARING:
Hearing re Final Discharge

COUNSEL:
GEORGE W BUTTERWORTH III (PET)...MARK J MCGOWAN
KARL E WEISS JR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Receipts and discharge filed.

RECOMMENDATION:
Court may sign discharge order.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700080

CASE NAME: MTR OF SHERRIEL RUTH MCNEIL

HEARING:

WAIVER Account and Report of DAVID S MCNEIL, KELLEY M MCNEIL and
Petition for allowance of fees filed.

COUNSEL:

DAVID S MCNEIL (PET)...E. JOAN NELMS
KELLEY M MCNEIL (PET)...E. JOAN NELMS
SHERRIEL RUTH MCNEIL (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...

GENERAL INFORMATION **Continued from 10-14-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON first and final report on waiver of
account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. All heirs waive accounting.
2. The summary of account is off by \$30,000. Even though there is a waiver
of account this would appear to warrant an explanation. File verified
supplement.
3. Statutory fees are \$9,210. Petitioners waive fees. There are no liquid
assets. How is counsel to be paid? File verified supplement.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set
hearing for filing of receipts and discharge for 12-1-09.

NMT/cbr/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700214

CASE NAME: ** MF ** CINDA J RATLEY

HEARING:

Petition for DETERMINE OWNERSHIP OF ESTATE PROPERTY, ORDER
AUTHORIZING TRANSFER ESTATE

COUNSEL:

CODY RATLEY	(PET)...	TIMOTHY G MISHLER
CINDA J RATLEY	(DEC)...	
CATRINA RATLEY	(PET)...	CORNELL L HATCHER
RALPH L RATLEY	(PET)...	ROBBINS & HOLDAWAY
ADVANCE INHERITANCE, LLC	(TP)...	JAMES L LEESTMA

GENERAL INFORMATION Continued from 9-2-08 for mediation. Nothing new filed on this issue.

THIS CASE IS SET FOR HEARING ON petition to determine ownership.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This is an action pursuant to Pr.C. § 850. Petitioner alleges that he holds an interest in certain real property that the administrator is claiming to be an asset of the estate. Petitioner alleges that the property was the property of decedent's and his father. Petitioner alleges that the decedent filed a Petition to determine succession to real property in **1988** claiming to be the sole heir. Petitioner alleges that this was not a true statement and that he was entitled to 1/2 of the assets from their father's estate.
2. Opposition has been filed indicating that as the petitioner lives in the property in question and has lived in the property for a number of years it is highly unlikely that he was unaware of the title on the property. Objector also claims that as the 1988 order divested petitioner of any claim to the property the petitioner is no longer an interested person and not entitled to bring the instant petition. Finally objector claims that the petitioner has

unreasonably delayed objecting to the 1988 proceeding and should therefore be precluded from proceeding.

3. **Response to objections filed.**

RECOMMENDATION:

Matter is contested. Set down on the contested calendar.

NMT/cbr/NMT

FUTURE HEARINGS CURRENTLY SET: 2-5-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700216

CASE NAME: MTR OF JOHN K WRIGHT

HEARING:
Accounting Review

COUNSEL:
IRVIN KAY WRIGHT (PET)...RICHARD J. MCANDREW
JOHN K WRIGHT (DEC)...

GENERAL INFORMATION

Continued from **7-15-08**. Nothing new filed.

Continued from **09/02/08** at request of counsel; waiting waiver of accounting.

Nothing new filed.

Continued from 10-7-08. At the time of the 10-7 hearing the petitioner indicated that they were waiting for a waiver of accounting so they could file the final report. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review and/or Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter is set for Accounting Review. No accounting and/or status report has been filed.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.

(cbr/NMT/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700224

CASE NAME: DANA DAVID BOYER

HEARING:
Accounting Review

COUNSEL:
DELBERT J BOYER IV (PET)...THE WELCH LEGAL GROUP, APC
DANA DAVID BOYER (DEC)...
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION

Continued from 08/26/08 at request of counsel. Nothing new filed.

Continued from 9-30-08 at request of counsel. Accounting to be filed by 10-2-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. Clerk will have to notice bonding company.

NMT/cbr/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700616

CASE NAME: JAY WILLIAM BRADBURY

HEARING:
Accounting Review

COUNSEL:
SHERRY LYNN BRADBURY (PET)...HARLAN R. MAASS
JAY WILLIAM BRADBURY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701026

CASE NAME: OTIS D. SHEA

SEE ALSO 9A, 10

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DANIEL M GOODWIN (PET)...PRO/PER

OTIS D SHEA (DEC)...

DEPT OF HEALTH CARE SERVICES (TP)...PRO/PER

MARY ELIZABETH SHEA (PRO/PER)...PRO/PER

MARY ELIZABETH SHEA (JEFFREY T VANDERVEEN

GENERAL INFORMATION Continued from **7-29-08**. Nothing new filed.
Continued from **9-2-08**. Ms. Holt advised to seek legal counsel re creditor's claim.
Court then indicated that matter would be set for O.S.C. re removal.
Continued from 10-14-08. See next page on this calendar.

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Final Inventory and Appraisal filed. However, need bank statements showing date of death balances.

RECOMMENDATION

Need bank statements. See matter on next page.

******NOTE TO COURT: petitioner owes \$71 total for
NSF HE HAS WRITTEN 2 BAD CHECKS**

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701026

CASE NAME: OTIS D. SHEA

SEE ALSO 9 10

HEARING:

Hearing re: PETITION FOR RESIGNATION OF EXECUTOR OF ESTATE

COUNSEL:

DANIEL M GOODWIN (PET)...PRO/PER

OTIS D SHEA (DEC)...

DEPT OF HEALTH CARE SERVICES (TP)...PRO/PER

MARY ELIZABETH SHEA (PRO/PER)...PRO/PER

MARY ELIZABETH SHEA (JEFFREY T VANDERVEEN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to resign

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner is the administrator and requests authority to withdraw as the administrator due to extreme financial hardship.
2. There are no objections in the file.

RECOMMENDATION:

Petitioner should be required to do a final accounting, however, he is a self represented litigant and indicates an inability to hire counsel. Court may wish to notice the Public Administrator of possible appointment and have the Public Administrator prepare an accounting for the resigning administrator.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701026

CASE NAME: OTIS D. SHEA

SEE ALSO 9 and 9A

HEARING:

Order to Show Cause re: REMOVAL filed by DANIEL M GOODWIN.

COUNSEL:

DANIEL M GOODWIN (PET)...PRO/PER

OTIS D SHEA (DEC)...

DEPT OF HEALTH CARE SERVICES (TP)...PRO/PER

MARY ELIZABETH SHEA (PRO/PER)...PRO/PER

MARY ELIZABETH SHEA (JEFFREY T VANDERVEEN

GENERAL INFORMATION **Continued from 10-14-08. Court informed Mr. Goodwin until such time as he is relieved he is responsible for the estate. Nothing new filed, except petition to be removed.**

THIS CASE IS SET FOR HEARING ON O.S.C. re removal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was originally set for O.S.C. re dismissal. The court found that it could not dismiss the matter, so court then set matter for O.S.C. re removal.
2. Court issued a citation and ordered it served. We are awaiting return of service.

RECOMMENDATION:

Await return of service.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701188

CASE NAME: RUTH PEARCY

SEE ALSO 12

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

EMMA BRYANT (PET)...DAVID G DUNDAS

RUTH PEARCY (DEC)...

DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Final inventory and appraisal filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701188

CASE NAME: RUTH PEARCY

SEE ALSO 11

HEARING:

FIRST AND FINAL Account and Report of EMMA BRYANT and Petition
for allowance of fees filed.

COUNSEL:

EMMA BRYANT (PET)...DAVID G DUNDAS

RUTH PEARCY (DEC)...

DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account of a no asset
estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. This appears to be a petition pursuant to Pr.C. § 12251, although not stated in the caption as is required by Local Rules of Court, Rule 20-601.
2. Petitioner requests a refund of \$65 in overpayment of filing fees. Ok.
3. Petitioner alleges that the sole asset of the estate was lost to foreclosure.
4. There is no request for statutory fees. An upside down foreclosure does not equal a loss and fees are based on the appraised value of the asset lost to foreclosure. See *Estate of Stein* (1968) 267 Cal. App. 2nd 631. Are petitioner and counsel waiving fees? File verified supplement.
5. Petitioner requests that creditors be discharged, as there are no assets. Creditor has been noticed of this hearing. No objections have been received.

RECOMMENDATION:

If petition granted set hearing for filing of final discharge order for 12-1-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800084

CASE NAME: CELESTIA B. GILLIAM

HEARING:
FIRST AND FINAL Account and Report of JAMES L. GILLIAM and
Petition for allowance of fees filed.

COUNSEL:
JAMES L. GILLIAM (PET)...SCOT THOMAS MOGA
CELESTIA B. GILLIAM (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Statutory fees are \$160.
2. Attorney requests reimbursement of \$585 in costs advanced.
3. There are no liquid assets. How are petitioner and counsel to be paid? File
verified supplement.

RECOMMENDATION:
Need supplement on number 3. If petition granted court will have to set future
dates. Set hearing for filing of receipts and discharge for 12-1-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800088

CASE NAME: MTR OF JUANITA DAVIS SLOAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARIBELLE D MCDOUGLE (PET)...ROBERT L KERN
JUANITA DAVIS SLOAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal has been filed. When will final be filed?

RECOMMENDATION:

Court will need to determine when the final inventory and appraisal will be filed and set control date to ensure compliance.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-30-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800184

CASE NAME: ELIZABETH G. FOLMER

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
PAMELA MARTIN (PET)...SAMUEL R WASSERSON INC
ELIZABETH G. FOLMER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. Clerk must notice bonding company.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-30-09 accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800200

CASE NAME: NANCY B SMITH

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
TODD A SMITH	(PET)...GUAY P WILSON
NANCY B SMITH	(DEC)...

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-30-09 accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800356

CASE NAME: HAROLD DESBRISAY WHALLON

HEARING:
Petition for FINAL DISTRIBUTION ON WAIVER OF ACCOUNTING

COUNSEL:
ELAINE COLEMAN (PET)...RICHARD A MARTIN
HAROLD DESBRISAY WHALLON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives accounting.
2. Did decedent's predeceased spouse receive health care benefits from the Department of Health Services? File verified supplement.
3. Statutory fees are \$5,151.22. Petitioner waives fees.

RECOMMENDATION:

Need correction to note 2. If petition granted court will have to set future dates.
Set hearing for filing of receipts and discharge for 12-1-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800756

CASE NAME: EDWARD JOSEPH GOLDSTEIN

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

MARY CATHERINE KIM (PET)...MARIA G NICIFOROS
EDWARD JOSEPH GOLDSTEIN (DEC)...

**GENERAL INFORMATION Continued from 9-23-08 for filing of points and
authorities on the issue of whether a codicil can make the will admissible.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
\$894, 424 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests bond of \$894,424. Based on information in the file
amount appears adequate.
2. Will does not appear to constitute a valid formal will and is not
holographic. The codicil reaffirms the will and appears to be a valid
holographic codicil. Court has question if valid codicil can make invalid will
valid.

RECOMMENDATION:

Need points and authorities.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800918

CASE NAME: WILLIAM EDWARD CHICK

HEARING:
Petition to determine succession to Real Property

COUNSEL:
MARJORIE M. CHICK (PET)...GEORGE L. MARTIN
WILLIAM EDWARD CHICK (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Is Mary M. Chick, named in section 14 of petition, the same person as Mary Theresa Chick, who is named in the will? File verified supplement.
2. If Mary M. Chick and Mary Theresa Chick are 2 different persons then need notice to Mary Theresa Chick.

RECOMMENDATION:
Need correction of notes.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800920

CASE NAME: VICTOR ALLEN CARD

HEARING:
Spousal Property Petition hearing.

COUNSEL:
JONATHAN E. CARD (PET)...ARDIS & LEHN
VICTOR ALLEN CARD (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the administrator of the estate of Muriel Card, who was the surviving spouse of the decedent herein. Petitioner alleges that Muriel and Victor were married in 1943. They had no money or property when they married and neither received any gifts or devises during their marriage. All assets are alleged to have been obtained as a result of the community efforts of the decedents. Victor controlled all of the assets and placed some of the assets in his name alone, apparently without consulting Muriel. Petitioner therefore alleges that the property is community property subject to transfer by the procedure.
2. Notice appears to be complete.
3. There is no objection in the file at the time of this review.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800940

CASE NAME: MICHAEL TOURNE LIER

HEARING:
Spousal Property Petition hearing.

COUNSEL:
MADONNA M. LIER (PET)...VICTORIA VALVO SHEA
MICHAEL TOURNE LIER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent. Petitioner alleges that she and decedent were married on 11-23-85. The decedent and the petitioner had an investment account with The Vanguard that was partially community and partially separate. However, because the accounting is co-mingled it cannot be determine which is which. The only other persons entitled to a share of the account are the adult daughters of decedent and petitioner. The daughters have both assigned whatever interest they might have to their mother.
2. Notice appears to be complete.
3. There is no objection in the file at the time of this review.
4. File certificate of assignment.

RECOMMENDATION:
Need to correct note 4.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02708

CASE NAME: HUSNI H AWAD

SEE ALSO 23 23A

HEARING:

Hearing Re: PROBATE STATUS REPORT

COUNSEL:

FATHI AWAD

(PET)...DENNIS M ASSURAS

HUSNI H AWAD

(DEC)...

GENERAL INFORMATION Continued from 1-7-08. Nothing new filed.

Continued from **2-11-08**. Nothing new filed.

Continued from **05/13/08** at request of counsel to clear note 3. Nothing new filed.

Continued from **6-10-08** at request of counsel to file a proper notice. Nothing new filed.

Continued from **9-2-08**. See pages below. Nothing new filed.

Continued from 10-14-08. No one appeared. Citation issued. We are awaiting service. Nothing new filed.

THIS CASE IS SET FOR HEARING ON status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges the estate is not in a condition to be closed as the estate's real property has not yet sold. Petitioner only states that the property is listed. Court may wish to require petitioner to provide statement from realtor as to efforts made in the sale of the property.
2. Petitioner requests additional time, but fails to give an estimation of time needed to close the estate per Pr.C.§12201(a).
3. Notice of hearing and proof of service filed. However, notice of hearing must include specific language pursuant to Pr.C.§12201(b). Need proper notice.

RECOMMENDATION:

Need to clear notes. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 1-12-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

(KRA/NMT/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02708

CASE NAME: HUSNI H AWAD

SEE ALSO 22 23A

HEARING:

Order to Show Cause re: SANCTIONS filed by FATHI AWAD.

	COUNSEL:
FATHI AWAD	(PET)...DENNIS M ASSURAS
HUSNI H AWAD	(DEC)...

GENERAL INFORMATION **Continued from 10-14-08. No one appeared.
Citation issued. We are awaiting return of service. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON O.S.C. re sanctions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter was set when case was on for status report. Notes were not corrected and no one appeared.
2. Nothing new filed.
3. Clerk gave notice to counsel only.

RECOMMENDATION:

If no one appears the court will have to issue citations and order them personally served.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02708

CASE NAME: HUSNI H AWAD
SEE ALSO 22 23

HEARING:

Order to Show Cause re: REMOVAL filed by FATHI AWAD.

	COUNSEL:
FATHI AWAD	(PET)...DENNIS M ASSURAS
HUSNI H AWAD	(DEC)...

**GENERAL INFORMATION Continued from 10-14-08. No one appeared.
Citation issued. We are awaiting return of service. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON O.S.C. re removal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter was set when case was on for status report. Notes were not corrected and no one appeared.
2. Nothing new filed.
3. Clerk gave notice to counsel only.

RECOMMENDATION:

If no one appears the court will have to issue citations and order them personally served.

There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS03010

CASE NAME: VAUGHN JOSEPH HIGELIN

HEARING:
Hearing re Final Discharge

COUNSEL:

MICHAEL V HIGELIN (PET)...PRO/PER
VAUGHN JOSEPH HIGELIN (DEC)...

GENERAL INFORMATION Continued from 10-21-08. No one appeared. Court continued matter and clerk gave notice.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. We have receipts from all beneficiaries except the petitioner Michael Higelin. Mr. Higelin is a self represented litigant.
2. Need final discharge order.

RECOMMENDATION:
Determine status.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS03018

CASE NAME: BRIAN R BOOS

HEARING:
Hearing re Final Discharge

COUNSEL:
RONALD BRUCE LONG (PET)...THOMAS J OSBORN
CYNTHIA JUNE LONG (PET)...THOMAS J OSBORN
BRIAN R BOOS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS07246

CASE NAME: MTR OF HARVEY ADELBERT SAMPSON

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

HARVEY E SAMPSON (PET)...PRO/PER

HARVEY ADELBERT SAMPSON (DEC)...

PUBLIC ADMINISTRATOR (AGN)...HORSPOOL & PARKER

Address 1433 Goodlett Street, San Bernardino
APN# 0143 062 01

Appraised value \$100,000

Sale price **Not stated. File verified supplement correcting
incomplete section 4(d) of petition. Remainder
of notes assume the sale price is \$102,222.**

First overbid \$107,833.10

Deposit \$10,222

Commission 6%

Additional bond No bond required.

Reason for sale Pay debts and expenses

Exposure to market Multiple listings

Notice Published. **File notice of hearing and proof of service
on purchasers Edward and Anita Robinson.**

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS39842

CASE NAME: IN THE MTTR OF THE ESTATE OF RIA MAY

HEARING:

Petition for AMENDED PETITION TO TERMINATE TRUST, FOR
AUTHORIZATION TO WITHDRAW FUNDS FROM BLOCKED ACCT

COUNSEL:

RITA MAY	(DEC)...
JOYCE MARTIN	(TEE)...ELISABETH KEMPE-OLINGER
SUSAN DAWSON	(ELISABETH KEMPE-OLINGER

GENERAL INFORMATION No file available for review.

FILE OUT 10/30

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN CONSERVATORSHIPS

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700272

CASE NAME: BILLY WILLIAMS

HEARING:

Conservatorship Compliance Review Hearing on PETITION of BILLY WILLIAMS

COUNSEL:

ZIBA IMANI	(CPE)...	SOHEILA AZIZI & ASSOCIATES P C
BILLY WILLIAMS	(CEP)...	
MELISSA MURRAY	(CPE)...	PRO/PER

GENERAL INFORMATION As new orders were issued all new compliance requirements must be met.

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of service of a copy of the Amended Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
2. Need Statement of Care Plan in accord with Pr.C.§2352.5.
3. Inventory and appraisal has been filed. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
4. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
5. Court Investigator 6 month report per Pr.C.§1850(a)(1) is in the file.

RECOMMENDATION:

Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800178

CASE NAME: MTR OF BETTIE MAE PAGE

SEE ALSO 30 31

HEARING:

Petition for TRANSFER OF PROCEEDINGS

COUNSEL:

MARK A ROESLER (CPE)...DAVIS & WHALEN
BETTIE MAE PAGE (CEP)...
STATE OF CALIFORNIA DEPT OF DE(PET)...PRO/PER
DEPT. OF DEVELOPMENTAL SRVCS. (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for transfer of case to Los Angeles County Pr.C. § 2211 et seq.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time the case was opened the Conservatee was a resident of San Bernardino County. Conservatee has now been moved to Metropolitan State Hospital, which is located in Los Angeles County.
2. There are no assets in the estate, as all assets are contained in the revocable living trust of the Conservatee.
3. File notice of hearing and proof of service on the Conservatee.

RECOMMENDATION:

Need correction of note 3, then court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800178

CASE NAME: MTR OF BETTIE MAE PAGE

SEE ALSO 29 31

HEARING:

Petition for INSTRUCTIONS TO ORDER PAYMENT OF CREDITOR'S
CLAIM

COUNSEL:

MARK A ROESLER (CPE)...DAVIS & WHALEN
BETTIE MAE PAGE (CEP)...
STATE OF CALIFORNIA DEPT OF DE(PET)...PRO/PER
DEPT. OF DEVELOPMENTAL SRVCS. (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for instructions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner, Department of Developmental Services, is a creditor of the Conservatee. Petitioner brings the instant motion pursuant to Pr.C. § 2403 for instructions to the Conservator to pay the debt owed to the petitioner in the amount of \$254,843.78, for the Conservatee's care at Patton State Hospital. Petitioner cites Wel. & Ins. Code § 7279 as authority for the court to make the order requested. A copy of that code section is attached to the left side of the file. Points and authorities in support of the request are filed and tabbed in the file.
2. The conservatorship estate has no assets. At the beginning of this action there were assets in excess of \$100,000, however, all assets have been transferred to the Conservatee's revocable trust. It is not known what the total amount of assets are within the trust.
3. There is no opposition in the file at the time of this review.

4. File notice of hearing and proof of service on the Conservatee in accord with Pr.C. § 1460.
5. Also notice provided to date does not use the Judicial Council form for notice of hearing. Use of current Judicial Council Forms is mandatory. Calif. Rule of Court, rule 7.101. Please re-notice using the proper form.

RECOMMENDATION:

Require proper notice, then court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800178

CASE NAME: MTR OF BETTIE MAE PAGE

SEE ALSO 29 30

HEARING:

Petition for Appointment of Conservator

COUNSEL:

MARK A ROESLER (CPE)...DAVIS & WHALEN

BETTIE MAE PAGE (CEP)...

STATE OF CALIFORNIA DEPT OF DE(PET)...PRO/PER

DEPT. OF DEVELOPMENTAL SRVCS. (TP)...PRO/PER

GENERAL INFORMATION

Temporary orders granted 07/10/08, person and estate \$110,000 bond.

On 07/10 Court ruled will need information on medical issue to ensure Conservatee is getting treatment for the stroke and congestive heart failure (housed as inmate as Patton State Hospital).

Continued from **8-5-08**. Court cleared 2 notes and continued matter for the remainder of notes to be cleared. Court Investigator report is in the file.

Continued from **9-9-08**. Counsel advised that an additional sister has been located and needs to be noticed. Nothing new filed.

Continued from 10-14-08. Court received a letter from Tammy Taylor and determined from the letter that Joyce Wallace appears to be objecting to the appointment of Mr. Roesler as the Conservator. Court has directed the Court Investigator to contact the Conservatee and determine if she still wants Mr. Roesler to act as the Conservator. We are awaiting Court Investigator report.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Bond is set at \$110,000 bond based upon estate value and annual income of \$105,000. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. For estates less than \$500,000 a 10% increase has been determined to be the reasonable amount of increase. Pr.C. 2320(c)(4), CRC Rule 7.207. In any event, bond amount with recovery is \$115,500. Suggest additional \$5,500 for a total bond of \$115,500. **Petitioner is willing to increase bond to the suggested level.**
2. In attachment 11 Petitioner requests powers under Pr. C. § 2358 to transfer proposed Conservatee's bank accounts to the Trustee of the proposed Conservatee's revocable living trust; The Bettie Mae Page Trust. However, section 1f of the petition is not checked as to requesting specific powers under Pr. C. §§ 2351-2358. Need to file verified supplement. **Supplement amends the petition to reflect the correction requested by these notes. Court should be aware of the fact that, apparently, since that hearing all assets have been transferred out of the estate into the Conservatee's revocable trust. Court authorized this action at the time of the granting of the temporary conservatorship.**
3. Court Investigator report in file. **Need supplemental report.**
4. Post move notice filed as proposed Conservatee has moved to Metropolitan State Hospital in Los Angeles County. Court may wish to inquire. **This move has been confirmed in the supplement and a motion to transfer case has been filed.**

RECOMMENDATION

Assuming court grants petition to transfer case to Los Angeles court should keep temporary in place and then set only a date to confirm transfer. If the motion to transfer is denied then future dates may need to be set. As there are no longer assets in the estate it is questionable if conservatorship of the estate is necessary. If court determines that it is necessary and the petition is granted then the following dates should be set. Set hearing for filing of Inventory and Appraisal, care plan, proof of service of Inventory and Appraisal, instructions for objection to Inventory and Appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **7-7-09**. Set hearing for filing of accounting for **2-2-10**. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800238

CASE NAME: CHARLES R. HOISINGTON

HEARING:
Petition for Appointment of Conservator

COUNSEL:
GERALDINE F BENNETT (CPE)...VICTOR P. SKVARNA
CHARLES R HOISINGTON (CEP)...NOREEN FONTAINE

GENERAL INFORMATION: **Continued from 10-21-08 for correction of notes.
Court appointed Attorney Fontaine for the Conservatee. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator,
person and estate by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests bond be fixed at \$30,000. Appears adequate.
JTD
2. Petitioner requests medical and dementia powers. Need Medical
Capacity Declaration.
3. As dementia powers are sought, court must appoint counsel for
proposed conservatee per Pr.C. §1471.
4. Need to file notice of hearing and proof of service on the Veteran's
Administration.
5. Need return of Citation.
6. Petitioner requests authority to deposit a \$10,000 check to the
attorney-client trust account in anticipation of future fees and costs.
Petitioner/counsel alleges the money will not be withdrawn without
a court order. JTD
7. Court Investigator report filed 9-29-08.

RECOMMENDATION:
Need to clear notes.
(GLS/NMT)

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: OG RS348

CASE NAME: IN THE MTTR OF GUTIERREZ

HEARING:
Petition for REMOVAL OF CONSERVATORS

COUNSEL:

JESSE C GUTIERREZ	(PET)...	NANCY SANDBERG RAMIREZ
SARAH R GUTIERREZ	(PET)...	NANCY SANDBERG RAMIREZ
TERESA GUTIERREZ	(PCE)...	
CHRISTINA STEFFLER	(SC)...	WILKINSON & WILKINSON
TERESA GUTIERREZ	(CEP)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for removal of co-executors pursuant to Pr.C. § 2650(C)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is Christina Steffler. She alleges that the current co-Conservators nominated her and David Gutierrez to act as co-Conservators should they become incapacitated. Current co-Conservator Jesse Gutierrez passed away on 5-11-08. Current co-Conservator Sarah Gutierrez is incapacitated due to dementia. Petitioner has submitted a capacity declaration re Sarah Gutierrez at Exhibit E, to support her position.
2. David Gutierrez has declined to act. See Exhibit B.
3. Petitioner requests that the current co-Conservators be removed. Ms. Steffler has agreed to act.
4. Petitioner must file a form petition to be named successor Conservator. The requirements for a petition for successor Conservator are identical to all the formalities of the original petition, save the service of a citation on

- the Conservatee. Use of current Judicial Council Forms is mandatory. Calif. Rule of Court, rule 7.101.
5. The court has the authority to remove a Conservator pursuant to Pr.C. § 2650(c), incapacity.
 6. File notice of hearing and proof of service on the Conservatee. Pr.C. § 1460.
 7. File order after hearing.
 8. The last Court Investigator report in the file was filed on 10-6-04. Court may wish to order a Court Investigator report.

RECOMMENDATION:

If court removes surviving Conservator due to incapacity the court may have to appoint the Public Guardian pending a filing of a proper petition for appointment. Court may also wish to consider whether appointment of a Conservator of the estate is really necessary. The Conservatee has less than \$5,000 in assets and all income is public benefit. Conservator could be named designated payee. The last waiver of accounting covered only through 9-3-05. At the time the last accounting was due the court took the matter off calendar, as it was a conservatorship and was being heard in the Rancho Court. The court should have set a date for hearing in Redlands, but failed to do so. Hence, accountings or waiver of accountings need to be brought up to date.

Court should also consider ordering a Court Investigator report, as no report has been filed with the court since 10-6-04.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00562

CASE NAME: CYNTHIA CASTANEDA

HEARING:
Accounting Review

COUNSEL:
MARIA FLORENCE CASTANEDA (PET)...PRO/PER
CYNTHIA CASTANEDA (CEP)...
RAY CASTANEDA (OBJ)...EUCLID LAW CENTRE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed. On 5-7-08 the court indicated that the petitioner could file a status report setting forth why an accounting was not necessary. That document has not been filed.
2. Review of the file establishes that the Conservatee has -0- assets. Court may wish to inquire as to why a conservatorship of the estate is still necessary.
3. Last Court Investigator report was filed 3-18-08 and is in the file.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/25/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00302

CASE NAME: MATTER OF NEIL H HASKIN

HEARING:
Accounting Review

	COUNSEL:
FRED A HASKIN	(CPE)...EDWARD G. OPERINI
ANNE HASKIN	(CPE)...EDWARD G. OPERINI
NEIL H HASKIN	(CEP)...

GENERAL INFORMATION

Accounting due for period 01/01/07-12/31/07.

Continued from 7-29-08 at request of counsel. Nothing new filed.

Continued from 9-30-08 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. This matter is set for Accounting Review. No accounting has been filed.
2. The last Court Investigator report was filed on 4-19-07 and is in the file.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bonding company and person requesting special notice.

(cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN MISC.

DATE: 11/25/08 TIME: 1:30 DEPT: E2

CASE #: CONPS0700266

CASE NAME: ROBERTA MALCOLM

HEARING:

Court Trial set for PETITION FOR CONSERVATORSHIP of RUBY WATSON

COUNSEL:

RUBY WATSON	(CPE)...JAMES B CHURCH
ROBERTA MALCOLM	(CEP)...WALTER T MOORE
LINDA MAXWELL	(CPE)...MAUREEN MURATORE
HERSHEL FARLESS	(OBJ)...HORSPOOL & PARKER

GENERAL INFORMATION Matter on for court trial. No notes.